UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

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Petitioner,

v. No.: 3:03-cr-052

(3:07-cv-77)

<u>UNITED STATES OF AMERICA</u>, (VARLAN/SHIRLEY)

Respondent.

JUDGMENT ORDER

In accordance with the accompanying Memorandum Opinion, the petition for writ of audita querela is **DENIED** and this action is **DISMISSED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous.

ENTER:

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Patricia L. McNutt
CLERK OF COURT